P. F. 160 of 93

G. R. S. IX-5]

Previous references. 1893-94. 192 (L.R)

File No 128 of 93

Serial Nos 1-6

Later references.

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 1-6

Report ~~for~~ B for June 1894

SUBJECT.

Appeal of Lakshmidevamma, Betada-pura, Hunsur Taluk regarding the appointment of a Gumasta, Sth Shanbhoga

Considered

RJ

Forwarded

32

order no 995 of 23.3.93

The Deputy Commissioner ordered that the Shanbhoga of the two Firkas should be registered in the name of Appellant and that Venkatasubbaiya (Respt.) should be appointed as her gumasta for Byalakuppe Firka, and observed that though the latter could not be considered to have any claim to the office, yet his son, as Donhiha would become Hakdar. The Amildar reported that the Appellant was opposed to the appointment of Venkatasubbaiya. The Deputy Commissioner directed the Amildar to inform the Appellant that women could not claim ~~hereditary offices~~ Government appointments just like other property and to get the work of Byalakuppe Firka done by Venkatasubbaiya and to make him pay half the Kotage to Appellant for her maintenance, as he has agreed to pay it.

No

Vide orders 4.5.93 and 12.7.93.

The present appeal is against the above order.

The Appellant urges that the Respondent who is opposed to her interests was unjustly appointed against her will in place of her brother Vonti Shamanna who was

doing the work well and taking care of her and her younger brother whom she has adopted. She prays that Venkatasubbaiya be removed.

The Deputy Commissioner in the last two paras of his report gives reasons in support of his order.

28/5.

28/5.

Orders & Standing Orders & advocate Gumasta.

Appeal No 107 of 93-94

Appellant:—
Lakshmidevamma
minor by guardian & father
Gopalaradhani of
Bettadpura, Hirisave Taluk

Respondent:—
Venkatāmbika alias
Shamanna.

Subraya the Bahadurdas
Shanbhog of Arasti and Byala-
kuppe Firkas died on 11th August
1891 On the representation of—
Gopalaradhani father of Subraya's
wife, the Appellant, the Amildar
recommended that the Shanbhogi
of the two Firkas be registered in
the name of Appellant, and her
brother Shamanna and brother-
in-law Ramanna be appointed
as her Gumastas. The 2nd Special
Assistant-Commissioner sanctioned
the arrangement as a temporary
measure subject to report at
the time of Jamabandi, as to the
fitness of the Gumastas.

Vide Amildar's Report
No 199/203 of 31. 8. 94.

Vide order No 1909

On the 1st of February 1892 the mother of the deceased addressed a petition to the Deputy Commissioner stating that her son left a will devising that his property to Venkatasubbaiyi (Claimant), should be registered as Shanbhog of one of the two Firkas and placed in the work of the other Firka as Gumasta, and that his son should be adopted, and for the prayer that the Shanbhog should be registered either in her name or in the name of her daughter's son.

Vide the unattended copy in the file.

Venkatasubbaiyi who had been doing the duties as Gumasta since Subbarayudu fell ill was ordered to hand over charge of the office, claimed the office and prayed that he might be appointed.

On 17. 3. 93. the Amildar reported that as Shamanna one of the two gumastas was appointed as Reddy Gumasta the other Gumasta Ramanna was directed to do the work of both the Firkas, that the appellant failed to nominate a Gumasta, that Venkatasubbaiyi claimed the office but was told that he had no right to it, and that the deceased Subbarayudu's mother died a few days ago.

that although Respt
Cases not be considered
to have any claim for
the Shanbhogi, yet his
Son woves have a
right to claim the
appointment as Daughter
after the Minor woves
death." — In this view
the Dy Const is entirely
wrong. Respts sons
are not Daughters of the
last male holder & ~~cannot~~
cannot as such claim
the office. They may
come in as Bandhus in
the absence of other collateral
heirs, but that matter
requires no consideration
at present. X. Appellant
has clearly the right
to nominate her own

Appellant clearly the heir and by reason of Sex she is capable of doing duties of her office

Guardiaship &c. she should be allowed to do so. If her nominee is not found competent & performs the duties of the office, & she is not able to nominate a qualified person, there is no objection to the Appt continuing as Guardian, on the distinct understanding that that gives him no manner of claim to the office.—

With reference to the request of the Appt that the office should be registered in the name of her adopted son, the Govt is requested

herself, she has the right to do the duties & Guardian to do Same for her an d to do the Same fo that there is no actually officiating

but the Govt cannot allow her to exercise her right in the to the Hulk, by de an actual offic who for many y has been doing duties of the office a Satisfactory with the Sole Offi appointing another Officiator in his

The fact that the has been officiating will hereafter Contin to officiate cannot of course give her any manner of cl to the Hulk as aft Appellant & her Successors, nor any Conduct on his be allowed to a the appellant's H

Under this view Govt decline to d the existing arran So long as there is Hulk & is Capable personally perfo the duties of the

5

(5)

Appeal No 107 of 1893-94

Appt
Lakshmedevamma

Respt
Venkatasubba

The late husband of
Appellant was the
Shanbhog of the Avati
& Uyalakuppa Farkas
& on his death in 1891
the office was registered
in the name of the appellant
& her own name was
appointed as her gumasta
for Avati & the Respt
the sisters husband of
the deceased as gumasta
for Uyalakuppa The
Respt appears to have
done the duties of the office

On the
conclusion of
her hearing Mr
Mayne's
allowance to
appt

of both the Testators
even when the deceased
was alive. —

Mr. Appellant
objected to the appointment —
of Respt as her guardian
as he once set up
a claim to the office,
& as he is enmically
disposed towards her. —

The question for
consideration is merely
whether it is right to
force the Respt upon
the appt ~~against her~~
~~will~~ & appoint him as
her guardian against her will.

In appointing the
Respt as appellant's
guardian against her will
the Ct Court appears to
have been influenced
by the thought that

9

to hold it necessary
to enquire about the validity
of the adoption, &
dispose of the matter
on its merits.—

UC 2/6/94

There is my view of
the case, but if
the Accountants
that Accts may be
allowed to continue
as guardians against
Applicant's wife, the
Act may be modified
accordingly — UC

I have written
in red ink the
passage I wd substitute
13.6.94

Shown to the Revenue Counsellor.
He remarked that in view
of a different but similar
case as mentioned by the
Accountant might be consid-
ered
CL 13/6

Refer to the Inspectress for
submission to the Chief
Secretary
CL 9/6

(General Serial No. 32.)

10. 1893

No. Camp No. 605 1415 (1)

Name of Petitioner. Lt. Mahadevamma widow of Subbaraya Amildar Shira

Village — Copie of Sirsi Phirka.

Taluk. Hunsur

District. Mysore

Date of Arzi. 6-11-93

Date of Receipt. 9-11-93

Date of Disposal

No. of Enclosures. — one —

L. R. 120-93-1

ABSTRACT.

Complaining against the order of the Amildar of the Hunsur Taluk appointing one Shamanna as Shanbogue instead of Shamanna petitioner brother who is doing duties as such.

Petitioner states that her brother Shamanna is unjustly deprived of his appointment & stranger (and one enemy of petitioner) being appointed to that place and requests that pending final orders of Govt in the case, the Amildars order referred to may not be carried into effect.

15-11-93

Circular

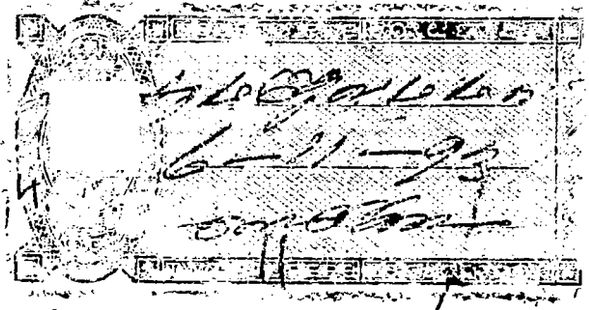
To

Sub-Collector 23/11

Keep pending until a
final decision is received
from Govt. as the
Amildar is appointed
12 years ago & has
6 children

23/11

28-11-93



Sir T. Sheshadri Iyer Esqr B.C.S.
A.S. No 107
Sd 25-11-93
Sd 1

Sheran to His Highness the Maharaja

MYSORE DEWAN'S OFFICE
PETITION DEPARTMENT
REGD. NO. 1418
DATE 27-11-93

Sovereign of Mysore

MYSORE DEWAN'S OFFICE
PETITION DEPARTMENT
CAMP Mysore
REGD. NO. 608
DATE 23-11-93

Lakshmideramma widow of Subbaraya

the hereditary shanbhoge of Uperti Hirla

Munsur Taluk, respectfully begs of your

honor to permit her to bring the following

lines to your honor's Kind Consideration.

Petitioner's husband was till his death

the shanbhoge of the Uperti Hirla which

consisted of 14 villages. He died 2 years ago

After his death Petitioner was registered

as shanbhoge, and two gumastas named

by her were employed to do the duties of

Shanbhoge, one Ramanna the

Petitioner's cousin, and the other

Vanti Shamanna her elder brother,

They have been since then doing the duties of the Sirka satisfactorily and have no arrears of Revenue &c Your honors poor petitioner a helpless widow, was given to understand that on the report of the Amildar, a stranger by name Shamanna had been ordered to be gumasta in the place of her brother Vanti Shamanna. This man has setup an interest adverse to her own and has misappropriated already a portion of her husband's estate and has also forged a false testamentary instrument as though executed by her deceased husband with the view of ultimately depriving petitioner of her bread &c Such a person has been forced upon her to be her gumasta quite

(General Serial No. 32.)

1893.

(2)

No. 1583

Name of Petitioner. Virupakshideramma wife of Shanbhog Subbarao

Village. Bettadapura

Talak. Hunsoor

District. Mysore

Date of Arzi.

Date of Receipt. 18-12-93

Date of Disposal.

No. of Enclosures. One

L.R. 128-93-2

ABSTRACT.

Stamp sufficient
In time.

Appeal relates to the office
Shanbhog Gumasta of
Kuppe Pirka Hunsoor Taluk
Petitioner's husband was the
Shog. On his death the office
according to Petitioner, registered
name, and she has an
ted son about 8 years old.
says that at her request her
brother was appointed as Gumasta
the present complaint is that
s been ordered to give over charge
stranger who is adverse to her
ests.

On the 20th July last the Dy Com^r
ered that one Venkatsoobbia
Shamanna should officiate
Gumasta, and that as he had
to pay half the Potaji to the
Shanbhog's widow (Petitioner)
lance should be recovered
them and paid to her for her
intenance.

Copy of the Dy Com^r order
ceased by Petr does not show
Petr's brother had been as alleged
appointed as Gumasta,
& why he was removed.

Submitted for orders and that
held that the appointment
Gumasta is at the discretion
Dy Com^r

With reference to this office
endorsement dated 28th Nov: 1893,
the petitioner encloses the certified
copy of the Deputy Commissioner's
order & prays that that order, ordering
that the charge of the said Shanbhog
Gumasta office, should be handed
over to the Amildar recommended by
the Cumildar, may be held in
abeyance, pending the disposal
of her appeal in this office.

Collr's
report
dt
21/1/94

against her will in preference to Vanti

Shamanna, who is the petitioner's elder brother and who has been taking care of her interest as well as of his younger brother the adopted son of the petitioner who is now 8 years old. Vanti shamanna is aged 21 years and being well versed in chanthoge's accounts &c has in no way proved incompetent for work, and yet simply to create animosity and room for quarrels in the family the appointment of the petitioners adversary has been proposed by the Amildar to which most unfortunately for petitioner the Deputy Commissioner was also pleased to accord his sanction. The petitioner therefore most earnestly prays that your Honor ~~and to issue an order~~ will consider the circumstance

in which she is placed and the danger she

and her adopted son will inevitably subject

& themselves to if one that is secretly inimical

to her and interested in mutating against

her rights by means of forged documents

is to be her gumasta-shandhoge, and she

to depend upon him for her support, and be

so graciously pleased as to order the immediate

withholding in abeyance of the appointment

of the inimical stranger pending final orders

of the Government in ~~my~~ her case for which

act of charity the petitioner as in duty ~~bound~~ bound.

shall ever pray. — [illegible]

6th November 1893 (Sd). Lakshmidevammati

Counsel's Case

MYSORE DEWAN'S OFFICE.
PETITION [illegible]
REG'D. [illegible] 1553L
DATE 15-12-93

(2)

ಕೊಲೆಯಾದ ವ್ಯಕ್ತಿಯ ಹೆಸರು ಮತ್ತು ವಿಳಾಸ

೦ ಆರೋಪಿ ಪತ್ತೆಯಾಗಿದ್ದಲ್ಲಿ ಅವನ ಹೆಸರು ಮತ್ತು ವಿಳಾಸ

Pet 1085

18-1-94

(13)

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

The accompanying Petitions No.s 608/1418 & 1583 dated 6th Nov: & 18th Dec 93 received at the Dewan's Office from Lakshmidevamma wife of Shanbhog Subba Row, Bettadpura, Hunsur Taluk appealing against the Deputy Commr's orders Nos 137 & 177 of 28th July & 30th October 1893, regarding the appointment of a Sumasta to the Shanbhogi of [illegible] Jaka is forwarded, together with its

2 enclosures, to the Deputy Commissioner Mysore District for a report.

The petitions with their enclosures should be returned

By Order,

Chief Secretary.

Draft (Council order)

BANGALORE, 8 January 1894.

S.V. 13/1

M. G. C. P. Bangalore.—21-11-92—3,000.

Copy Application No. 12[illegible]
dated 18/12/93

EIGHT ANNAS

2/a

ಮೈಸೂರು ಡಿಸ್ಟ್ರಿಕ್ಟ್ ಡೆಪ್ಯುಟಿ ಕಮಿಷನರ್ ಸಾಹೇಬರವರ ಆಫೀಸಿನಲ್ಲಿ—

ಹುಣಸೂರು ತಾಲೂಕು ಬೆಟ್ಟದಪುರದಲ್ಲಿರುವ [illegible]

[illegible]

[illegible]

[illegible]

[illegible] 14/12/93 ರಲ್ಲಿ ಅರ್ಜಿ ಕೊಟ್ಟದ್ದರ ಮೇಲೆ [illegible]

[illegible] — — — — — —

ಹುಣಸೂರು ತಾಲೂಕು [illegible] 18-7-93 ನೇ [illegible] 137 ನೇ ನಂಬರು

[illegible]

[illegible] 23-3-93 ನೇ [illegible] 995 ನೇ ನಂಬ[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Compared - (Sd) A. Rangaswami Iyengar

[signature] - Deputy Commissioner

District Magistrate Mysore District

N. R. Krishnaiya

Revenue Sheristadar Mysore District

Copy applied by Gopalavadani 14-12-93

Copy ready for delivery —— 14-12-93

Copy delivered 15. 12 93 9½

No. of words = 125

Copying fee 0—2—0

Comparing fee 0—0—4

Paper cost 0—0—1

0—2—5

M. Srinivasa Char, Stamp Vendor
District office
Mysore

(General Serial No. 30.) 13383.

1894. 1345

From

The Deputy Commissioner
Mysore District.

To

The Chief Secretary to the Dewan
of Mysore.

Dated 28th February 1894

Despatched

Received

Enclosures No. Two petitions Doc. 608 & 1053 with 148 enclosures and Canarese records.

General No.

No. 970

Submitting report on the petitions from Lakshmidevamma wife of Shanbogue Lakkia Ram Bettadpur, Kunigal Taluk.

Sub? for orders.
7/3

No. 970 92 DEPUTY COMMISSIONER'S OFFICE,
Con. two petitions Nos MYSORE DISTRICT,
608 & 1578 with Enclosures Dated Mysore 28th February 1894.
1418 with Enclosures records

(9)

From

A. Rangaswamy Iyengar Esquire, B.A, B.L
Deputy Commissioner,
Mysore District.

To

The Chief Secretary to the Dewan of Mysore,

SIR,

With reference to your C.M. No. Petns 1085 dated 18th January 1894, forwarding for report petitions from Lakshmi Devamma widow of Shanbogue Subbaraya of Hunsur Taluk, I have the honor to state that Subbaraya, Shanbogue of Avasti and Byalkuppe Firkas died in August 1891 leaving an old mother and the petitioner who was then aged 12 years and sister's husband Venkat Subbaya, alias, Shamanna who was acting as Gumasta ever since Subbaraya fell ill and died. But the Amildar in his Yerji dated

returned with enclosures.

31st August 1891 merely reported that
Subbaraya died 23 on the 11th idem leaving
no heirs or representatives but his minor
widow and recommended that as re-
-presented by Gopalavadhani, father
of the minor widow, the Baramaal might
be transferred in her name, his son
Shamanna and son-in-law Ramanna
being appointed Gumastas to do the work.

The 2d General Assistant Commissioner
sanctioned the arrangement as a temporary
measure subject to report at the time of
Jamabandy, vide order No. 190 dated 3d
September 1891.

The mother of the deceased Subbaraya
then complained on the 1st February 1892
that the late Amildar had made recom-
-mendations on the exparte and false al-
-legations of Gopalavadham (father-in-law
of her son), that she and her son-in-law
Venkata Subbiya were interested in
the Shanbogue; that her husband who

who was the original Baraward dar
had at one time taken leave to go to Benares
on the substitute of her son-in-law and
then changed his mind, that ever since then
he had discharged the duties with the assis-
-tance of his son-in-law, that after his death
her son carried on the work with the said
Venkatsubbiya and that the deceased had
left a will saying that Venkatsubbiya should
in consideration of his having managed
his affairs, be appointed to one of the Firkas
and allowed to manage the other as Gumasta
and that his son should be taken in adoption
to himself. She also said that the minor widow
was living in her father's house and had no
right that as her husband was the original
Shanbogue, the Baraward might be made
out in her name or in that of her daughter's
son who is the rightful heir.

Venkatasubbiya also petitioned the
Deputy Commissioner to the same effect

effect and complained that the Taluk Sheristadar induced him to give up the accounts for a year on account of Jama Bundy and had done nothing to forward his claim. His petition was rejected with the remark that he should comply with the order of the Taluk and then appeal.

The papers were not brought before me at the Jamabundy as directed by Mr. Krishna Iyengar, but on 17.3.93 amildar reported that owing to the appointment of Shamanna, one of the Gumastas as a school master, he had directed Ramanna to carry on the duties of the 2 Firkas. That baravanddar widow had arranged with Gumasta Ramanna for the payment of half the Potaje to her and had promised to appoint a suitable Gumasta for Byalakuppe Firka in place of Shamanna within 15 days, that it is very difficult to procure the services of competent Gumastas, that Baravanddar has not appointed one as

as promised, and that he would make a re-
-port on his finding a suitable man for it. He
further stated that Venkatasubbiya brother-
-in-law of late Subbiya had claimed the
Shanbogi but had been informed that he had
no right to it. On this, the allegations of the
said 2 petitions were taken into consideration
and as no final orders had been passed as
intended by the 2d General Assistant Commis-
-sioner, the Amildar was directed to enter
Lakshmi Devamma's name as baravaddar,
and Ramanna as Gumasta for Avaste Firka;
he was also informed that as it was difficult
to procure the services of a suitable Gumasta
for Byalakuppé, it seemed advisable to appoint
Venkatsubbiya, brother-in-law of the deceased
Shanbogue, as he was doing the work before
and had also consented to pay half the
Potaji to the Baravardar, without waiting
for an opportunity to procure a proper
Gumasta at a distant period. It was
also explained in this order that though

though Venkata Subbiya could not be considered to have any claim for the Shanbogi. yet his son would have a right to claim the appointment as (Mokitra) after the minor widow's death. In reply, Amildar reported that the widow was against the appointment of Venkatasubbiya as Gumasta as he was opposed to her interests. The Amildar was informed by order No. 1126 that females cannot claim Government appointments as a matter of right like males, that only in cases in which there being no proper male member in the family capable of maintaining the females, the baraward is nominally made in the name of the female and a portion of the pay to be attached to the office is given to her as maintenance, and that appointments could not be claimed as other properties belonging to the family and that she should be informed of this (Vide Revenue Rule XLIII para 5). The baraward still persisted and as no Gumasta had been appointed to do the work it was

was directed that Venkatasubbiya should be appointed Gumasta and made to pay half the Potaje to her. Lakshmidevamma refused to make over the charge to Venkata-subbiya as directed and it was reported that she insisted on the Shanboje of the two Firkas being registered in the name of her newly adopted son Subbaraya and one Wanti Shamanna being appointed as Gumasta, and that on enquiry the said Shamanna was found unfit for work. It was then ordered that Venkata Subbiya should continue to be Gumasta.

The Baravardar and her Gumasta for Avarti Firka refused to make over the charge of papers to Venkatasubbiya pending final orders on their appeal before Govern-ment. As Venkatasubbiah had been de-prived of the charge in the first instance on the one sided version of the amildar. and as it appeared that the Taluk officials were favoring the widow in spite of the

the orders of this office, instructions were issued to compel the Baramaadar and her Gumasta to make over the records de under the Revenue Code and to place under sus-
-pension Gumasta Ramanna, should he still persist in not making over the records.

The Amildar has since reported that Gumasta Ramanna has made over charge of Byalakuppe Tirka to Venkata-
-Subbiya.

It will be seen from the above that the minor widow was registered as the sole Baramdar under a misapprehension on the one sided report of the late Amildar and the real facts were not brought to the notice of the District office by the Taluk authorities for a long time. The appoint-
-ments are calculated to serve the interests of the relations of the minor widow who have no natural claim or interest in the estate of the deceased Subbaraya and to deprive his only kith and kin of the

in the present case and directed that he should act as her Gumastah paying her half the potigi, the same as her brother-in-law had agreed to do, he readily agreed. This cannot amount to a fraudulent denial by him as an agent of his principal's rights. Nor can he be suspected of any intention to thwart her interests by mismanaging the village as he will thereby be cutting his own throat and endangering the contingent interests of his own son in the succession of the Shanbogueship

I have the honor to be,
Sir.
Your most obedient Servant

M Narasimiah
By Commissioner.
Mysore District

means of livelihood. His sister's husband who had lived with him and managed the family and performed the duties of Shanboque for many years and his issue will be sent adrift if the minor widow had her own way. Her allegation of adoption has been put forward when her rights under the rules were pointed out to her in order to counteract the claims of her husband's sister's son. It is scarcely justifiable under the Hindu Law as she has not pleaded or proved her husband's sanction or made the adoption with any Sapinda's consent. The Gumastah, again put forward by her was also found incompetent. Pending therefore the establishment of the validity of this adoption in a competent Court and the genuineness of the will set up by the mother-in-law and Venkatasubbiah, I think it fair to let the Baramahal for both fasilas to stand in the name of the minor appellant and to allow Ramanna

Ramanna (her brother) to be Gumasta of one Firka, Venkata Subbiah being left undisturbed in charge of Bezala-Kuppé, especially as the latter has agreed to give half the Potigi to her. If it be considered desirable however that a summary or departmental enquiry might be held on the alleged adoption, the will set up by Venkata Subbiah and his allegations as to his services to the fa-mily of the deceased, I shall make the neccessary enquiry and submit a report.

I have only to add in conclusion that there is no force in the minor widow's allegation that Venkata Subbiya should not be appointed as Gumasta as he was adverse to her interests. He only put forward his claim in a fair spirit for the con-sideration of the authorities and when we refused to enquire into them in

Appeal No 107 of 1893-94.

Appellant.

Lakshmidevamma
minor, by father and
guardian Gopalaswamiar
of Beitadipur, Mansion Farm
represented by Mr. Sankaran.

Respondent.

Venkatasubbaiya
alias Shamanna

L.R. 128-93-5

Decision

The late husband of Appellant was the Shanbhag of the Avarti and Byaiakappa Sirkar, and on his death in 1891, the office was registered in the name of the Appellant, and her own nominee was appointed as her gumasta for Avarti, and the Respondent, the sister's husband of the deceased, as gumasta for Byaiakappa, on the condition of his paying half the Poligi allowance

to Appellant. The Respondent appears to have done the duties of the office of both the Sisters even when the deceased was alive.

2. Appellant is opposed to the appointment of the Respondent as her guardian, as he once set up a claim to the office, and as he is inimically disposed towards her.

3. The question for consideration is merely whether it is right to force the Respondent upon the Appellant, and appoint him as her guardian against her will.

4. In appointing the Respondent as Appellant's guardian against her will, the Deputy Commissioner appears to have been influenced by the thought that although Respondent could not be considered to have any claim for the Guardianship

to hold the necessary enquiry about the validity of the adoption, and dispose of the matter on its merits.

By Order

Redraft

Chief Secretary.

No 22620 of 18.6.94.
P.F. 140-93 / 26

Copy forwarded to the Deputy Commissioner, Mysore District, with the records received with his No 970 dated 28th February 1894.

By Order

Chief Secretary.
Compd. Sl.

Sl.

Returned by hand 23/6/94

Printed in Calendar 22/2/1

allowed

yet this son would have a right to claim the appointment as Dauphin after the minor widow's death." In this view, the Deputy-Commissioner is entirely wrong. Respondents son are not Dauphins of the last male holder, and cannot as such claim the office. They may come in as Bandhus, in the absence of other collateral heirs, but that matter requires no consideration at present.

5. The appellant is clearly the Hakdar and, as, by reason of her sex, she is incapable of doing the duties of her office herself, she has the right to appoint an officiator to do the same for her, should there be no one actually officiating, but the Government cannot allow her to exercise her right to the detriment, by dismissing an actual officiator who for many

William Jacob
Head Peon
Collectorate
Who

years has been doing the duties of the office in a satisfactory manner, with the sole object of appointing another officiator in his stead.

6. The fact that the Respondent has been officiating and will hereafter continue to officiate cannot of course give him any manner of claim to the seat as against the Appellant and her successor, nor should any conduct on his part be allowed to affect the Appellants' seat.

7. Under this view, the Government decline to disturb the existing arrangement, so long as there is no Sakdar capable of personally performing the duties of the office.

8. With reference to the request of the Appellant that the office should be registered in the name of her adopted son, the Lieutenant Governor is requested

alleged by the appellant; she is referred to the Deputy Commissioner to whom orders have been issued to inquire into the validity of it.

The enclosure is returned.

By Order

Redraft

Chief Secretary

S.V.

(6)

No 1418/107 27/ Office of the Clerk of the Peace
Petition Branch.

Date of Order 25-6-94 Date of Issue 25

L.R. 28-93-6

Endorsement granted to Rakhmiriamma, minor by her father and guardian Gopala Krishna, setting forth Hamara Zadok, in reply to her petition No 1418/A.S.107, dated 6th November 1893, applying against the Deputy Commissioner's order refusing to appoint her own nominee as guardian of Shanthiagi of Bangalore Taluk, in place of the present guardian Venkatarathna.

Petitioner is informed that she as elected the Taluk and so, by reason of her sex she is incapable during the term of her office thereof, she has the right to appoint an officer to do the same for her, should

that he is the retiring officiating but the Government cannot allow him to exercise his ~~right~~ to the post, by dismissing the acting officials who for many years has been doing the duties of the office in a satisfactory manner, with the object of appointing another officials in his stead.

2 The fact that ~~the Respondent~~ Kanthamma has been officiating did not confine to official cannot of course give him any manner of claim to the post contrary the ~~Appellant~~ petitioner and her witnesses, nor ~~shall~~ can entail in his part of the allowing ~~the~~ effect the Appellants' Act

Under this circumstances the Government decline to disturb the existing arrangement, as long as there is no Hereditary capable of personally performing the duties of the office.

As regards the objection